## RECEIVED **CENTRAL FAX CENTER**

MAY 2 9 2008

### MARTIN & FERRARO, LLP ATTORNEYS AT LAW 1557 Lake O'Pines Street, NE Hartville, Ohio 44632

3308772030

Telephone (330) 877-0700

Facsimile (330) 877-2030

**FACSIMILE TRANSMITTAL** 

TO:

FROM:

Name: Mail Stop AF

Name:

Thomas H. Martin, Esq.

Group Art Unit 3773/Examiner Melanie Ruano Tyson

Firm: U.S. Patent & Trademark Office

Phone No.: 330-877-2277

Fax No.: 571-273-8300

No. of Pages (including this): 10

May 29, 2008 Date:

Subject: U.S. Patent Application No. 10/098,683

Gary Karlin Michelson Filed: March 15, 2002

SPINAL IMPLANT CONTAINING MULTIPLE **BONE GROWTH PROMOTING MATERIALS** 

(as amended)

Attorney Docket No. 101.0042-05000

Customer No. 22882 Confirmation No.: 7210 Confirmation Copy to Follow: NO

Message:

#### CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Transmittal Form (in duplicate; total amount of \$510.00 to cover the Notice of Appeal fee is to be charged to Deposit Account No. 50-3726), Notice of Appeal, and Pre-Appeal Brief Request for Review with Form PTO/SB/33 are being facsimile transmitted to the U.S. Patent and Trademark Office on May 29, 2008.

Sandra L. Blackmon

If there is a problem with this transmission please call the sender at the number above.

The information contained in this facsimile message is privileged and confidential information intended only for the use of the addressee listed above. If you are not the intended recipient or the employee or agent responsible to deliver this message to the intended recipient, please do not use this transmission in any way, but contact the sender by telephone.

05/29/2008 17:21

**FORM PTO-1083** 

Attorney Docket No.: 101.0042-05000

Customer No. 22882

# RECEIVED CENTRAL FAX CENTER

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 2 9 2008

In re application of: Gary Karlin Michelson Serial No: 10/098,683 Filed: March 15, 2002

For: SPINAL IMPLANT CONTAINING

MULTIPLE BONE GROWTH PROMOTING MATERIALS

(as amended)

Confirmation No.: 7210

Art Unit: . 3773

Examiner: Melanie Ruano Tyson

Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Further to the Final Office Action dated March 14, 2008, transmitted herewith is a Notice of Appeal in reply to the Advisory Action of May 23, 2008 in the above-identified application.

No additional fee is required.

No additional fee is required.

Applicant hereby requests a \*\*\*-month extension of time to respond to the above Office Action.

Pre-Appeal Brief Request for Review and Form PTO/SB/33 are enclosed.

The total amount of \$510.00 to cover the Notice of Appeal fee is to be charged to Deposit Account No. 50-3726.

The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726.

A copy of this sheet is enclosed.

Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims

Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: May 29, 2008

Thomas H. Martin Registration No. 34,383

1557 Lake O'Pines Street, NE

Hartville, Ohio 44632 Telephone: 330-877-0700 Facsimile: 330-877-2030 33

**FORM PTO-1083** 

Attorney Docket No.: 101.0042-05000

05/29/2008 17:22

Customer No. 22882

RECEIVED
CENTRAL FAX CENTER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 2 9 2008

In re application of: Gary Karlin Michelson Serial No: 10/098,683 Filed: March 15, 2002

For: SPINAL IMPLANT CONTAINING

MULTIPLE BONE GROWTH PROMOTING MATERIALS

(as amended)

Confirmation No.: 7210

Art Unit: 3773

Examiner: Melanie Ruano Tyson

Mall Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Furti App	her to the Final Office Action dated March 14, 2008, transmitted herewith is a Notice of eal in reply to the Advisory Action of May 23, 2008 in the above-identified application.
	No additional fee is required.
	Applicant hereby requests a ***-month extension of time to respond to the above Office Action.
	Pre-Appeal Brief Request for Review and Form PTO/SB/33 are enclosed.
X	The total amount of \$510.00 to cover the Notice of Appeal fee is to be charged to Deposit Account No. 50-3726.
X	The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726.  A copy of this sheet is enclosed.
	Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
	Any patent application processing fees under 37 C.F.R. § 1.17
	Respectfully submitted,

MARTIN & FERRARO, LLP

Date: May 29, 2008

1557 Lake O'Plnes Street, NE

Hartville, Ohio 44632 Telephone: 330-877-0700 Facsimile: 330-877-2030 Thomas H. Martin Registration No. 34,383